

REMARKS

Claims 1-2, 5, 8, 10-13, 15-20, 22-23 and 25-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hartmaier (U.S. Patent no. 5,978,672). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites a telecommunication device comprising "a telephony interface . . . for receiving a telephone call and identifying a dialed telephone number associated with the call. The "telephony interface using the dialed telephone number to retrieve at least a wireless telephone number and at least one user preference from a storage medium, and said telephony interface using said at least one retrieved user preference to route the call to at least one destination telephone number." Applicant respectfully submits that Hartmaier fails to disclose the claimed invention.

Hartmaier, by contrast, discloses an intelligent controller used in conjunction with a PBX and a WIN (Wireless Intelligent Network). The architecture, call process and functions of the Hartmaier system are entirely different than the claimed invention. The Hartmaier system operates as an intelligent controller, not a telecommunications switch. Hartmaier's entire architecture is dependant on a CTI link to the host PBX 208 (FIG. 2) because the Hartmaier device does not perform any switch telecommunication functions. Hartmaier's system intelligently tells the PBX 208 where to send calls, but does not actually route the call itself; as such, Hartmaier cannot disclose "using said at least one retrieved user preference to route the call to at least one destination telephone number." Hartmaier is simply not the same as the claimed invention. As such, claim 1 is allowable over Hartmaier.

Claims 2, 5, 8, 10-13, 15-18 depend from claim 1 and are allowable along with claim 1 for at least the reasons set forth above and on their own merits.

Moreover, the Hartmaier system does not have the ability to ring two or more devices simultaneously. Hartmaier's Table 2 does not describe or illustrate routing "the call to two destination telephone numbers simultaneously" as is recited in claim 2. There is no mention of any simultaneous call routing anywhere in Hartmaier. In fact, Col. 15 of the Hartmaier patent states "[t]he preferred embodiment allows the individual user the ability to specify either the mobile phone or the office phone as primary." (emphasis added). Table 2 reflects a column for the "prime" number, one for the "Call to be completed to:" and one for "No answer routing." At no point are there two phone numbers listed in the "Call to be completed to:" or "No answer routing" columns. As such, Hartmaier does not disclose simultaneous call routing.

Furthermore, there are technical reasons why Hartmaier cannot disclose, teach or suggest simultaneous call routing. All of the switching capability of Hartmaier is based on the capability of the PBX. A PBX, like the one disclosed in Hartmaier, typically cannot ring a local device (handset) and a trunk line (connection to a cell phone, etc.) at the same time. That is why Hartmaier uses intelligent signaling to allow unanswered calls to be treated differently. Hence, the Hartmaier system is only capable of sequential call processing (as is shown in Table 2), only proceeding to call a different device if the previous is not answered. These are additional reasons why claim 2 (and its dependent claims) is allowable.

Claims 26-28 recite similar limitations as claim 1 and are allowable for at least the reasons set forth above and on their own merits.

Claim 19 recites a "telecommunication device comprising a telephony interface coupled to an enterprise telecommunication network." The telephony interface "receiving a telephone call from a wireless telephone and identifying a wireless telephone number of the wireless telephone, . . . using the wireless telephone

number to retrieve a first enterprise telephone number associated with the enterprise telecommunication network and with the wireless telephone and to retrieve at least one user preference from a storage medium.” The “telephony interface generating and sending a simulated dial tone to the wireless telephone to provide access to the enterprise telecommunication network based on said at least one user preference and at least one enterprise preference associated with said first enterprise telephone number.” Applicant respectfully submits that Hartmaier fails to disclose the claimed invention.

Specifically, Hartmaier fails to disclose a “telephony interface generating and sending a simulated dial tone to the wireless telephone to provide access to the enterprise telecommunication network based on said at least one user preference and at least one enterprise preference associated with said first enterprise telephone number.” A simulated dial tone that provides “access” to an enterprise communication network is simply not disclosed anywhere in Hartmaier. For at least the foregoing reasons, Applicant respectfully submits that claim 19 is allowable. Claim 20, 22-23 and 25 depend from claim 19 and are allowable along with claim 19.

The rejection should be withdrawn and the claims allowed.

Claims 3-4, 6-7, 14 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmaier in view of Chow (U.S. Patent no. 6,711,401). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 3-4, 6-7 and 14 depend from claim 1. As such, they each recite a “telephony interface using said at least one retrieved user preference to route the call to at least one destination telephone number.” As set forth above, this feature cannot be disclosed by Hartmaier. Applicant respectfully submits that Chow, which has been cited merely for teaching routing a call to a voice mailbox after a predetermined time,

does not teach or suggest the claimed invention. Accordingly, claims 3-4, 6-7 and 14 are allowable over the cited combination. Moreover, claims 3-4 (depending from claim 2) also recite simultaneous call routing, which is also not taught or suggested by the cited combination.

Claim 24 depends from claim 19 and is allowable along with claim 19 because neither Hartmaier or Chow discloses, teaches or suggests a generating a simulated dial tone that provides access to an enterprise communication network.

Applicant respectfully submits that the rejection should be withdrawn and the claims allowed.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmaier in view of Cox (U.S. Publication no. 2002/0013141). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 9 depends from claim 1. As such, claim 9 recites a “telephony interface using said at least one retrieved user preference to route the call to at least one destination telephone number.” As set forth above, this feature cannot be disclosed by Hartmaier. Applicant respectfully submits that Cox, which has been cited merely for teaching “prompting” a caller with a menu, does not teach or suggest the claimed invention. Accordingly, claim 9 is allowable over the cited combination.

Applicant respectfully submits that the rejection should be withdrawn and claim 9 allowed.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmaier in view of Schwab (U.S. Patent no. 6,597,781). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 21 depends from claim 19 and is allowable along with claim 19 because neither Hartmaier nor Schwab, cited merely for the teaching of a dial tone timeout period, discloses, teaches or suggests a generating a simulated dial tone that provides access to an enterprise communication network. Accordingly, Applicant respectfully submits that the rejection should be withdrawn and claim 21 allowed.

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hartmaier in view of Karpus (U.S. Patent no. 5,884,191). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 29 recites a “method of providing access to an enterprise telecommunication network from a wireless telephone.” The method includes the steps of “receiving a telephone call from the wireless telephone; identifying a wireless telephone number of the wireless telephone; using the wireless telephone number to retrieve an enterprise telephone number associated with the enterprise telecommunication network; generating a simulated dial tone; sending the simulated dial tone to the wireless telephone; providing telecommunication access to the enterprise telecommunication network based on at least one user preference and at least one enterprise preference associated with the retrieved enterprise telephone number.”

As set forth above, Hartmaier fails to disclose, teach or suggest generating and sending a simulated dial tone that provides access to an enterprise telecommunication network. Applicant respectfully submits that Karpus also fails to teach or suggest these limitations.

Karpus by contrast discloses an interface system that connects various devices to a radio telephone and provides arbitration between conflicting requests for

access to the audio channel of the telephone. Karpus is essentially an arbitration switch between devices and would not be used in the Hartmaier system. Karpus uses grant lines to communicate that access to the audio channel is available. In one possible alternative (not shown or enabled in Karpus), a simulated dial tone is used to trick PCMCIA modems, cellular telephone, etc. into thinking that the audio channel has been granted. This is different than the claimed invention. Accordingly, claim 29 is allowable over the cited combination.


Moreover, Applicant also respectfully submits that it is improper to combine the references in the manner suggested by the Office Action. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. In fact, Hartmaier and Karpus are two entirely different systems. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex part Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144. This is another reason why the rejection should be withdrawn.

For at least the reasons set forth above, the rejection should be withdrawn and claim 29 allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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